* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground pool) to be located partially within the side yard, in lieu of the third of the lot farthest removed from any street, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to Back River and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management will submit recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of Oct., 1992 that the Petition for a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground pool) to be located partially within the side yard, in lieu of the third of the lot farthest removed from any street, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

-3-

Zoning Commissioner for Baltimore County

LES/mmn

Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 6, 1992

Mr. and Mrs. Edward L. Wickman, Jr. 401 Riverside Road Baltimore, Maryland 21221

> RE: Petition for Administrative Zoning Variance Case No. 93-69-A

Dear Mr. and Mrs. Wickman:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

Baltimore County Cost Connection

Zoning Commissioner

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

LES: mmn

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 To PERMIT AND ALLESSORY STRUCTURE (AROVE GROUPS POOL) TO BE LICATED PARTIALLY WITHIN THE SIDE YARD GOOD IN LIEU OF THE THIRD OF THE LOT FARTHEST PENGLES From Any STREET.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardship or prestical difficulty) We are being joven an above oftown surmming porithat is 20% x 40 including chicking Because we - pare a corner let opinionent if the porties limited les

we are 10 short for the laright of the poris, we now a tide yard 12 hana Property is to be advertised and/or posted as prescribed by Zoning Regulations

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for

Live do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject Edward L Wickman Jr Francine M. W. ckman m Transine M. Wickman 401 Riverside Ra 391-4138 Chy Some 217-31

40, Riverside R& 391-4138 A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner Of Baltimore County, this ______ day of ______, 19____, that the subject matter of this petition be act in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general

circulation throughout Baltimore County, and that the property be reposted.

JADITISD

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

igned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows That the information herein given is within the personal knowledge of the Affant(s) and that Affant(s) in/are competent to testify thereto in the event that a public hearing is acheduled in the future with regard thereto. That the Affiant(a) does/do presently reside at 401 RIVEISICE RI

Baltimore MD 21221 That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrati-

We are being prex an above yours Thin many cook that is 20' x 40' including in where we could place the pool Because sur have a course lot to we were told Decement is limited. We are approximately 10' short ifor the brath of the port the riedge(s) that if a protest is filed, Afficat(s) will be required to pay a reposting and advertising fee and Edward (- Wickman The

EDWARD L WICKMAN JR + FRANCINE M. WICKMAN the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. 8-19-52 My Commission Expires: NOV 1,1994

93-69-A

Zoning Description for 401 Riverside Road

Beginning at a point on the N.E. corner of Riverside & Nicholson Roads which are 50 R/WS. Being part of Lot #52, Section #D in the subdivision of Back River Highlands as recorded in Baltimore County Plat Book #4, Folio #64, containing 0.483 AC+/-. Also known as 401 Riverside Road and located in the 15th Election District.

Edward & Francis Wick way Location of property: NE/con Riverside of Nicholson Rds. 401 Twoside Res Location of Signer Facing wood way on froforty of

93-69.A

PAID PER HAND WRITTEN RECEIPT DATED 8/27/92

Account: R-001-6150

H9300077

8/31/92

LAST NAME OF OWNER: WICKMAN, JR

PUBLIC HEARING FEES FRICE 010 -ZONING VARIANCE (IRL) \$50.00

080 -POSTING SIGNS / ADVERTISING 1

Please Make Checks Payable To: Baltimore County

recellps gilesen

Dete 8-27-92

Per EDWARD WICKMAN, JR. SITE/ADDRUS 401 PILERSIDE RO. C. D: 5

E.D. 15

04A04#0002hICHRC BA CO02:42PH08-27-92 Please Make Checks Psychie To: Baltimere County

Edward L. Wilkman Jr

\$85.00

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

September 19, 1992

(410) 887-3353

Mr. & Mrs. Edward L. Wickman, Jr. 401 Riverside Road Baltimore, MD 21221

> RE: Item No. 77, Case No. 93-69-A Petitioner: Edward L. Wickman, et ux Petition for Administrative Variance

Dear Mr. & Mrs. Wickman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Towson, MD 21204

111 West Chesapeake Avenue

(410) 887-3353

Your petition has been received and accepted for filing this

Baltimore County Government

Office of Zoning Administration and Development Management Office of Planning & Zoning

Zoning Plans Advisory Committee

Petitioner: Edward L. Wickman, et ux

Petitioner's Attorney:

27th day of August, 1992

Printed on Recycled Paper

Baltimore County Government
Fire Department

4/10/91

1/4/0-92

700 East Joppa Road Suite 901 Towson, MD 21204-5500

SEPTEMBER 9, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: EDWARD L. WICKMAN, JR. AND FRANCINE M. WICKMAN #401 RIVERSIDE ROAD

Item No.: *77 (JCM) Zoning Agenda: SEPTEMBER 8, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

JP/KEK

ZONING OFFICE

Development Review Committee Respons	Form	Date 9	14/92
Project Name File Number Waiver Number	O Zoning Issue	Meeting	Date
Stonegate at Patapsco (Azreal) 90476 ZON DED TE (Waiting for developer	to submit plans fir	6-1-92 st) ========	====
COUNT 1			
Golden Ring Mall Company Limits	ed Partnership 60	9/8/92	NC
ED DEPRM RP STP TE	=======================================	=======================================	
John Dietsch DED DEPRM RP STP TE	61		Com
Happy Hollow Associates	75	**======	
ED DEPRM STP RP TE		=======================================	
Stephen M. and Diane A. Dansick	_		NC
221808183822222222222222222222		======================================	====
Edward L. and Francine M. Wickm ED DEPRM RP STP TE	77		NC
Charles W. Berg And Willie D. G		==========	====
ED DEPRM RP STP TE	78		NC
Daniel W. and Evelyn J. Eckert ED DEPRM RP STP TE	79		NC
Leonard Stoler ED DEPRM RP STP TE	80		Comm
Edward and Ceola Wright	81		=== Conn
ED DEPRM RP STP TE			# = = =
Edward K. and Diana J. Hensler ED DEPRM RP STP TE	82		Com
Marvin and Hild Zentner and Ami	r Aviram 83		 Cru
		<u> </u>	

DPW/Developers Engineering Division (Public Services)

BALTIMORE	COUNTY,	MARYLAND			
INTER-OFFICE CORRESPONDED					

NTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 10, 1992

8414-92

10/15/42

FROM: Ervin Mc Daniel, Chief Office of Plenning and Zoning Development Review Section

Petitions from Zoning Advisory Committee September 8, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Terry and Joan Greenwood, Item No. 58 John Dietsch, Item No. 61 / Stephen and Diane Dansicher, Item No. 76-Edward and Francine Wickman, Teem No. 19 Charles Berg and Willie Graves, Item No. 78 Edward and Ceola Wright, Item No. 81

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Division Chief:

ITEM58+/ZAC1

... 43-69-A 9-28-92

EMcD/FM: rdn

	BALTIMORE COUNTY, MARYLAND
Development Review Committee Resigned Parm 9	DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Authorized signature Date 9/14/94	INTER-OFFICE CORRESPONDENCE
Project Name File Number Waiver Number Zoning Issue Meeting Date	TO: Mr. Arnold E. Jablon, Director DATE: October 14, 1992 Office of Zoning Administration
Golden Ring Mall Company Limited Partnership 60 1 9/8/92	and Development Management
DED DEPRM RP STP TE No Comment	FROM: J. James Dieter
John Dietsch	SUBJECT: Petition for Zoning Variance - Item 77
DED DEPRM RP STP TE	Wickman Property Chesapeake Bay Critical Area Findings
Happy Hollow Associates	
DED DEPRM STP RP TE	SITE LOCATION
Stephen M. and Diane A. Dansicker	The subject property is leasted at the control of
DED DEPRM RP STP TE No Connect	The subject property is located at 401 Riverside Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).
Edward L. and Francine M. Wickman	APPLICANT'S NAME Edward L. Wickman
DED DEPRM RP STP TE No Connect	APPLICANT PROPOSAL
Charles W. Berg And Willie D. Graves	
DED DERPM PR STR TE	The applicant has requested a variance from section 400.1 of the

09/14/92

Baltimore County Zoning Regulations to permit an accessory structure (above ground pool) to be located partially within the side yard in lieu of the third of the lot farthest removed from any street.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

DPW/Traffic Engineering 09/14/92 Development Review Committee Response Form Authorized signature ______ Date ____ Project Name Waiver Number Zoning Issue Meeting Date Stonegate at Patapsco (Azreal Property) ZON DED TE (Waiting for developer to submit plans first) Golden Ring Mall Company Limited Partnership 9/8/92 DED DEPRM RP STP TE John Dietsch DED DEPRM RP STP TE Happy Hollow Associates DED DEPRM STP RP TE DED DEPRM STP RP TE Stephen M. and Diane A. Dansicker DED DEPRM RP STP TE Edward L. and Francine M. Wickman DED DEPRM RP STP TE Charles W. Berg And Willie D. Graves DED DEPRM RP STP TE Daniel W. and Evelyn J. Eckert DED DEPRM RP STP TE Leonard Stoler DED DEPRM RP STP TE Edward and Ceola Wright DED DEPRM RP STP TE Edward K. and Diana J. Hensler DED DEPRM RP STP TE Marvin and Hild Zentner and Amir Aviram

ED DEPRM RP STP TE COUNT 11

DED DEPRM RP STP TE

Leonard Stoler

Edward and Ceola Wright

Daniel W. and Evelyn J. Eckert

Edward K. and Diana J. Hensler

Marvin and Hild Zentner and Amir Aviram

ED DEPRM RP SIP TE NO COMMENT

Mr. Arnold E. Jablon October 14, 1992 Page 2

REGULATIONS AND FINDINGS

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

2. Policy

All development must comply with the IDA requirements.

For residential development through building permits, minor subdivisions, and zoning variance findings, compliance will be through:

- a. Installation of modified infiltration devices to treat rooftop runoff, with overflow directed across vegetated areas; and
- The planting of woody vegetation selected from the appropriate plant association list of the Forest Establishment Manual in accordance with the Forest Cover Formula as given in the Forest Protection Policies, with a minimum area equal to at least 15% of the lot or a maximum area equal to the proposed impervious surface

Finding: The proposed construction will add 800 square feet of impervious surface to the 21,000 square foot property. Decking is not shown; however, a standard three foot deck on all sides would bring the impervious surface addition to 1196 square feet. This would require drywell capacity of 50 cubic feet or 125 cubic feet depending upon the drywell design selected. Adequate vegetation exists to meet the 15% planting requirement; however, the pool location appears to require the loss of at least one holly tree. Any trees and shrubs lost through construction shall be replaced. The installation of adequately sized drywells and the replacement of all trees and shrubs removed for drywells and the replacement of all trees and shrubs removed for construction will bring the development into compliance with the regulation and policy.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal will comply with Chesapeake Bay Critical Area

October 14, 1992 Page 3 Regulations if it is conditioned to meet the requirements noted in the Findings. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

Mr. Arnold E. Jablon

J. Dames Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:SBA:tji

. . . .

WICKMAN/WQCBCA







